

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAWN BROWN, )  
as ADMINISTRATOR OF THE ESTATE)  
OF MATHEW ORSINI, DECEASED, )  
Plaintiff, )  
v. ) Case No. 1:20-CV-251  
ERIE COUNTY, et al, )  
Defendants. )

## MEMORANDUM ORDER

This action was received by the Clerk of Court on August 27, 2020. The matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Plaintiff Dawn Brown as the Administrator of the Estate of her son, Mathew Orsini, brings suit against Erie County, as well as others, arising out of the death of Mathew while he was a pre-trial detainee in the custody of the Erie County Prison on March 18, 2019.

Erie County reached an out-of-court settlement with Plaintiff Ms. Brown. Thereafter, Erie County and Ms. Brown filed a joint motion for dismissal of Erie County from this action. ECF No. 112. Co-Defendants opposed the motion.

On April 3, 2023, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that Erie County's motion be granted. ECF No. 122. Objections to the Report and Recommendation were due by April 17, 2023. As of today's date, none have been filed.

Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2). Following a *de novo* review of the Third Amended Complaint and the filings regarding this motion, together with the report and recommendation, the following order is entered:

AND NOW, this 20th day of April 2023;

IT IS ORDERED that the Motion to Dismiss Erie County pursuant to Federal Rule of Civil Procedure 42 [ECF No. 112] is granted.

IT IS ORDERED that Erie County is hereby dismissed from this action with prejudice. The Clerk of Court is instructed to terminate Erie County as a Defendant from the docket.

IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on April 3, 2023 [ECF No. 122] is adopted as the opinion of the court.



Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
United States District Judge